

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD J. ALLISON,

Case No.: 2:22-cv-01223-APG-VCF

Plaintiff

Order

v.

U.S. DIST. COURTS CLERKS OFFICE,

Defendant

On July 29, 2022, the court received plaintiff Ronald Allison's complaint. ECF No. 1-2. Allison did not file an application to proceed in forma pauperis and he did not pay the filing fee. Under 28 U.S.C. § 1914(a), a filing fee is required to commence a civil action in federal court. Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action "without prepayment of fees or security therefor" if the plaintiff submits a financial affidavit that demonstrates the plaintiff "is unable to pay such fees or give security therefor." If the plaintiff is a "prisoner" as defined by 28 U.S.C. § 1915(h), as amended by the Prison Litigation Reform Act (PLRA), he remains obligated to pay the entire fee in installments, regardless of whether his action is ultimately dismissed. *See* 28 U.S.C. § 1915(b)(1) & (2); *Taylor v. Delatoore*, 281 F.3d 844, 847 (9th Cir. 2002).

Under the PLRA, a prisoner seeking leave to proceed in forma pauperis must "submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint." 28 U.S.C. § 1915(a)(2). From the certified trust account statement, the Court must assess an initial payment of 20% of (a) the average monthly deposits in the account for the past six months, or (b) the average monthly balance in the account for the past six months, whichever is greater,

1 unless the prisoner has no assets. *See* 28 U.S.C. §§ 1915(b)(1), (b)(4). The institution having
2 custody of the prisoner must collect subsequent payments, assessed at 20% of the preceding
3 month's income, in any month in which the prisoner's account exceeds \$10, and forward those
4 payments to the Court until the entire filing fee is paid. *See* 28 U.S.C. § 1915(b)(2).

5 I THEREFORE ORDER that plaintiff Ronald Allison shall file an application to proceed
6 in forma pauperis or pay the filing fee by September 30, 2022, or this action will be dismissed
7 without prejudice. Failure to comply with this order may result in dismissal of this case without
8 prejudice.

9 IT IS FURTHER ORDERED that the plaintiff shall file a certificate of interested parties
10 as required by Local Rule 7.1-1 by September 30, 2022.

11 DATED this 6th day of September, 2022.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE